

January 20, 2012

**By ECF**

Honorable Diane P. Wood  
Circuit Judge  
Honorable J.P. Stadtmueller  
District Judge  
Honorable Robert M. Dow, Jr.  
District Judge  
UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

Re: *Baldus v. Brennan*, No 11-CV-562  
(Consolidated with *Voces de la Frontera, Inc. v. Brennan*,  
No. 11-CV-1011)

Dear Judges Wood, Stadtmueller, and Dow:

After the close of business last night, the plaintiffs and the defendants filed a stipulation resolving some motions pending between them and agreeing to extend certain discovery deadlines and to permit the plaintiffs to amend their complaint for a third time.

Neither this stipulation nor its terms were presented to me as attorney for the intervenor-defendants before it was filed.

I certainly have no objection to other parties resolving their discovery disputes, and I am sure that, if asked, I would have agreed to the stipulated extension of discovery deadlines. But, on behalf of the intervenor-defendants, I would not have agreed, and do not agree, that the plaintiffs may again amend their complaint to include unspecified new claims. This case is set for trial in only a month, and the normal rules governing an amendment to a complaint—much less a third amendment—would require a strong showing of good cause to justify an opposed amendment on the eve of trial. While I may well eventually agree to the plaintiffs' amending their complaint for a third time, when I know the facts and have seen the proposed amendment, I see no reason to buy a pig in a poke at this time.



FOLEY & LARDNER LLP

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Because the amendment is not consented to by *all* the opposing parties, as Rule 15(a)(2) requires in the absence of a motion seeking leave, I respectfully request that the Court strike paragraph 6 of the proposed order submitted with the stipulation before signing it.

Very truly yours,

s/ Thomas L. Shriner, Jr.  
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cc: Counsel of Record (by ECF)